

HOUSE JOURNAL.

FIRST DAY.

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 6, 1882.

In obedience to the proclamation by his Excellency, O. M. Roberts, Governor of Texas, convening the Seventeenth Legislature to meet in special session at Austin, the seat of government, on this, the sixth day of April, 1882, the House of Representatives was called to order at 12 o'clock M., by the Speaker, Hon. Geo. R. Reeves.

Roll called; quorum present.

Absent—Messrs. Anderson, Blacker, Bruce of Johnson (deceased), Daugherty, Gould, Haidusek, King (resigned), Linn, Linton, Marr (resigned), Oliver, Polley, Plumley, Smith of Titus, Stewart of Kinney, and Truitt.

Prayer by the Chaplain, Rev. B. W. Brown.

By direction of the Speaker, the following proclamation of His Excellency, the Governor, was read:

PROCLAMATION BY THE GOVERNOR OF TEXAS, CONVENING A SPECIAL SESSION OF THE LEGISLATURE.

EXECUTIVE OFFICE,
AUSTIN, TEXAS, March 1, 1882.

WHEREAS, An extraordinary occasion has arisen for the action of the Legislature; now, therefore, I, O. M. Roberts, Governor of Texas, by virtue of the authority vested in me by the Constitution of the State, do issue this, my proclamation, convening the Legislature in special session at Austin, the seat of government, on sixth of April, 1882, for the following purposes, to-wit:

1. To apportion the State into congressional districts, and establish the same by law.

2. To apportion the State into senatorial and representative districts, and establish the same by law.

3. To make provision for supplying the place of the capitol that has been burned, in every respect that may be necessary until the new capitol shall have been finished; for supplying all books, furniture, and other things made necessary by said burning; and for every other thing that may be necessary for the efficient operations of the legislative, executive and judicial departments of the government in the discharge of their respective duties and functions.

4. To make provision for everything that may be deemed necessary to facilitate the erection of the new State capitol, and to take such other action as may be deemed proper in regard to the buildings, lots, or other things within the capitol square.

5. To take action, by appropriations or otherwise, for supplying water and for making other necessary improvement, to the Lunatic Asylum, and to other public buildings at the seat of government.

6. To make further improvements and regulations for the State Penitentiaries, and in regard to the penal servitude of the State generally, in anticipation of the expiration of the present lease, which terminates on the first day of January, next year, prior to the regular session of the Legislature.

7. To take such action as may be necessary, in regard to the University of Texas and its branches; in everything relating to their government, to the relation between them, to the increase and disposition of their funds; and to take such further action as may be deemed necessary and proper in any and every respect for the support and maintenance of the Prairie View Normal School, and for the discharge of its debts and liabilities.

8. To make further provision for the disposition, by sale, lease, or otherwise, of the lands belonging to public free schools, to the State Penitentiaries, to the Asylum, and of the lands reserved to pay the interest on the State debt, and to provide for the investment of the proceeds of the sale of the lands belonging to the State, and to prevent abuse and unjust dis-

criminations; to regulate freights and passenger tariffs, and to provide practical remedies for the enforcement of such laws, not only on the companies, but on the officers who manage and control said railroads.

10. To reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient State government.

11. To consider and act upon such other subjects as may be presented during said session by the Governor.

In testimony whereof, I have hereto signed my name and caused the seal of State to be affixed, at the city of Austin, this first day of March, A. D., 1882.

By the Governor:

T. H. BOWMAN,
Secretary of State.

O. M. ROBERTS,
Governor.

Mr. Baker moved that the members of this House who have been elected since the regular session of the Seventeenth Legislature be sworn in. The motion prevailed.

Whereupon Messrs. Brown, Geiger, Rodrigues and Stewart of Hopkins, came forward, presented their credentials, took the oath of office, and were seated as duly elected members of the House of Representatives of the Seventeenth Legislature.

On motion of Mr. Matlock, Mr. Daugherty was indefinitely excused, on account of sickness in his family.

On motion of Mr. Finlay, Mr. Plumley was excused until to-morrow, on account of high water.

On motion of Mr. Wurzbach, Mr. Anderson was excused for to-day, on account of business.

On motion of Mr. Upton, Mr. Haidusek was excused until to-morrow evening, on account of sickness in his family.

On motion of Mr. Deanman, Mr. Polley was excused until to-morrow.

On motion of Mr. McComb, Mr. Linton was excused until Monday, on account of important business.

On motion of Mr. Perrenot, Mr. Linn was excused until the seventeenth instant, on account of important business.

On motion of Mr. Baker, Mr. Truitt was excused until to-morrow, on account of important business.

On motion of Mr. Peacock, Mr. Oliver was excused until to-morrow.

Mr. Finlay presented the following communication:

COLLEGE STATION, April 2, 1882.

To the Hon. Geo. R. Reeves, Speaker, and Gentlemen of the House of Representatives Austin, Texas.

GENTLEMEN It is with feelings of deep regret that my scholastic duties compel me to sever my most pleasant connection with your honorable body.

I herewith tender my resignation as Postmaster and Messenger of the House, and in doing so, I take this occasion to express to you my profound gratitude for the uniform courtesy and kindness shown to me, both individually and as a body, during the time I have had the honor to serve your honorable body.

With the best wishes for your health and happiness, I am

Your obedient servant,

QUITMAN FINLAY.

On motion of Mr. McComb, the resignation of Mr. Quitman Finlay, as Postmaster and Messenger, was accepted.

Mr. Upton offered the following resolution.

Resolved, That the Chief Clerk of the House be authorized to obtain, for the use of the members and officers of the House, one copy

each of the Revised Statutes, and of the rules and journals as many as can be obtained.

Mr. Finlay offered the following amendment to the resolution of Mr. Upton: Amend by adding the words "the general laws of 1879 and 1881."

Mr. Upton accepted the amendment of Mr. Finlay.

The resolution, as amended, was then adopted.

Mr. Baker offered the following resolution:

Resolved, That a committee of three members be appointed by the Speaker, who shall notify his Excellency, the Governor, that the House of Representatives is now duly organized in pursuance of his proclamation, and ready to receive from him any communication he may see fit to make.

The resolution was adopted.

In compliance with the foregoing resolution, the Speaker announced the appointment of Messrs. Baker, Upton and Daniel as a committee to inform his Excellency, the Governor, that the House had completed its organization.

Mr. Labatt offered the following resolution:

Resolved, That the Sergeant-at-Arms of the House of Representatives be instructed to arrange with the Sergeant-at-Arms of the Senate for an exchange daily of the advance sheets of the journal of each body, and that a copy of the advance sheets of the journal of the Senate, if furnished, be laid on the desk of each member of the House every morning as early as practicable.

On motion of Mr. Wurzbach, the resolution of Mr. Labatt was referred to the Committee on Printing.

The Speaker announced the following appointments on committees:

Mr. Stewart of Hopkins, chairman of Committee on Internal Improvements, on Judiciary Committee No. 1, and on Finance Committee.

Mr. Brown, on Committee on Constitutional Amendments, on Committee on State Affairs, and on Committee on County Government and County Finance.

Mr. Rodrigues, on Committee on Constitutional Amendments, on Committee on Stock and Stockraising, and on Committee on Federal Relations.

Mr. Geiger, on Committee on Public Roads, Bridges and Ferries, and on Committee on Agricultural Affairs.

Mr. Daniel offered the following resolution:

Resolved, That the House proceed now to select seats for its members in the following manner: The Chief Clerk shall write the names of the members on separate slips of paper and place them all in a hat or box; a page shall then shake them up well; he shall then draw them out one by one, and, as he does so, announce the names thereon, and as each member's name is announced he shall forthwith choose his seat in the hall.

On motion of Mr. Barry, the resolution of Mr. Daniel was laid upon the table.

Mr. Daniel moved that the members retain the seats which they now occupy. The motion prevailed.

Mr. Haynes offered the following resolution:

Resolved, That the vacancies caused by the death and resignation in some of the officers of this House be now filled by election.

The resolution was adopted.

The Speaker announced that, having been informed that the offices of Calendar Clerk, and of Postmaster and Messenger being vacant, the former by the death of Mr. M. A. Harvey, the Calendar Clerk, and the latter by the resignation of Mr. Quitman Finlay, Postmaster and Messenger, the House would proceed to the election of Calendar Clerk, nominations for which office were now in order.

Mr. Frymier nominated Mr. John P. Kirk.

Mr. Hutcheson nominated Mr. A. R. Railey.

The Speaker appointed as tellers, Messrs. Frymier, Gaither and Hutcheson.

Upon the vote being cast and counted, the following was the result: Mr. Jno. P. Kirk received fifty-four votes, Mr. A. R. Railey received twenty-one votes; whereupon the Speaker announced that Mr. Jno. P. Kirk, having received

a majority of the votes cast, was duly elected Calendar Clerk.

The Speaker announced that the House would proceed to the election of a Postmaster and Messenger, nominations for which office were now in order.

Mr. Matthews nominated Mr. E. A. Hicks.

Mr. Baker nominated Mr. Charles S. Swindells.

Mr. Carleton nominated Mr. Albert Sidney Burleson.

Mr. Douglass nominated Mr. H. L. Pickett.

Mr. Finlay nominated Mr. E. J. Hamner.

Mr. Faulk nominated Mr. J. E. McMorris.

Mr. Woods seconded the nomination of Mr. McMorris.

The result of the first ballot was announced as follows: Mr. Hicks received one vote, Mr. Swindells sixteen votes, Mr. Burleson eighteen votes, Mr. Hamner eight votes, Mr. McMorris twenty-three votes, Mr. Pickett twelve votes.

The Speaker announced that no election having been reached, the House would proceed to a second ballot.

Mr. Tankersley moved that the candidate receiving the lowest number of votes be dropped. The motion was lost.

The result of the second ballot was announced as follows: Mr. Swindells received ten votes, Mr. Burleson twenty votes, Mr. Hamner three votes, Mr. McMorris twenty-seven votes, Mr. Pickett fourteen votes, Mr. McMillan one vote.

The Speaker announced that no election having been reached, the House would proceed to a third ballot, whereupon Mr. Baker, by request, withdrew the name of Mr. Swindells. Mr. Todd withdrew the name of Mr. E. J. Hamner.

The result of the third ballot was announced as follows: Mr. Burleson received twenty-six votes; Mr. Pickett, fourteen votes; Mr. McMorris, thirty-eight votes, and Mr. McMillan, one vote.

The Speaker announced that no election having been reached, the House would proceed to a fourth ballot.

The result of the fourth ballot was announced as follows: Mr. Burleson received thirty-five votes, and Mr. McMorris received forty-one votes.

Whereupon the Speaker announced that Mr. J. E. McMorris having received a majority of the votes cast, was duly elected Postmaster and Messenger.

A committee from the Senate was announced, consisting of Senators Shannon, Rainey and Moore.

The chairman announced that the Senate had completed its organization. The committee then withdrew.

A message was received from the Senate informing the House that the Senate had completed its organization by the election of the following officers, to-wit: W. M. Hunter, First Assistant Secretary; J. E. Kauffman, Enrolling Clerk, and John H. Kirby, Calendar Clerk, vice Wm. Neil Ramey, Virgil F. DuBose and John W. Swindells, who have respectively resigned.

Also, by the election Rev. R. K. Smoot, D. D., as Chaplain, vice the lamented F. W. Wilkes, D. D., lately deceased.

Mr. Burks moved that the House adjourn until 3:30 o'clock p. m. The motion was lost.

Mr. Comb offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker to wait upon the honorable the Senate, and inform that body that the House of Representatives of the Seventeenth Legislature has convened in called session, and is ready to receive any communication from that honorable body.

The resolution was adopted.

In compliance with the foregoing resolution, the Speaker appointed as the committee Mr. Finlay and Wurzbach.

On motion of Mr. Frymier, the House adjourned at three o'clock p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment.

Roll called; quorum present.

Absent, Messrs Blacker, Gould, Smith of Titus, and Stewart of Kinney.

Mr. Baker, chairman of special committee, submitted the following privileged report:

AUSTIN, TEXAS, April 6, 1882.

Hon. Geo. R. Reeves, Speaker of the House of Representatives:

SIR—Your committee appointed to notify his Excellency, the Governor, that the House of Representatives was duly organized, beg leave to report that they have, in connection with a like committee on the part of the Senate, discharged that duty.

Respectfully,
B. M. BAKER, Chairman.

The report was adopted.

Mr. Wurzbach introduced a bill to be entitled "An act to amend article 16 of the Revised Statutes." Read by caption and referred to Committee on Congressional Apportionment.

Mr. McCord introduced a bill to be entitled "An act to apportion the State into senatorial districts." Read by caption and referred to Committee on Senatorial Districts.

Mr. Woods introduced a bill to be entitled "An act to repeal all laws now in force authorizing the issuance by the State to railroad companies of certain land certificates." Read by caption and referred to Judiciary Committee No. 1.

Mr. Chenoweth introduced a bill to be entitled "An act to provide for a board of commissioners of railroads, to prescribe their duties and powers and fix their salaries; to provide for the regulation of freight and passenger tariffs in this State; to prevent unjust discriminations and extortions in the rates charged for transportation of freights and passengers, and to prohibit railroad companies, corporations or lessees from charging other than just and reasonable rates, and to make an appropriation to carry the same into effect." Read first time and referred to the Committee on Internal Improvements.

Mr. Oxsheer, by leave, introduced a bill to be entitled "An act to apportion the State into congressional districts." Read first time and referred to Committee on Congressional Districts.

A message was received from the Senate informing the House that the Senate had adopted the following resolution:

Resolved, That a committee of three be appointed by the President of the Senate, to act in concurrence with a like committee from the House, for the purpose of making investigations and selections of places of business, suitable buildings, offices, etc., for the Supreme Court, Court of Appeals, and Commissioners of Appeal.

2. That said committee shall report their action upon said matters as soon as practicable by bill or otherwise.

On motion of Mr. McComb the foregoing Senate resolution was taken up, read and adopted.

The Speaker announced the appointment of Messrs. Carleton, Faulk and Upton as the committee in accordance with the Senate resolution.

On motion of Mr. McComb, Messrs. McComb, Wurzbach and Finlay were excused on account of committee duty.

Mr. Matlock introduced a bill to be entitled "An act to prevent the sale of any of the vacant public domain or public school lands in the State of Texas, for less than one dollar per acre." Read first time and referred to Committee on Public Lands and Land Office.

Mr. Baker introduced a bill to be entitled "An act making an appropriation for mileage and per diem pay of buildings, and per diem pay of officers and employees of the Sherewith, book of the Seventeenth Legislature." Read until the new england to Committee on Finance.

ed a bill to be entitled, "An act to

provide for the erection of a suitable building on the north-east quarter of block No. 124, in the city of Austin, for the use of the officers of the executive departments of the State, the legislative, the Supreme Court, the Court of Appeals and Commissioners of Appeals, and to provide means for the erection of the same." Read first time and referred to Committee on Public Buildings and Grounds.

Mr. Woods offered the following concurrent resolution:

Resolved, That a joint committee of fifteen members from the House and fifteen from the Senate be raised on Senatorial and Representative apportionment in the following order, to-wit: That eight new members from the House be added to the above named committee raised at the last general session of this House, and eight new members be added from the Senate to the same committee raised therein at the late general session.

(Mr. Upton in the chair.)

On motion of Mr. Finlay, the pending business was suspended for ten minutes.

Mr. Finlay offered the following resolution:

WHEREAS, Large quantities of land have been sold for taxes in the State; and,

Whereas, It is not the policy of the State to oppress its citizens or confiscate their property by taxation; and,

Whereas, There is no law in operation through which lands sold for taxes may be redeemed; therefore be it

Resolved, That the Governor be respectfully requested to call the attention of the Legislature to the necessity of granting relief to taxpayers, whose lands have been sold for taxes.

Resolved, That the Clerk transmit a copy of this resolution to the Governor.

The resolution was adopted.

(The Speaker in the chair.)

The time for which the pending business was suspended having expired, the consideration of the concurrent resolution of Mr. Woods was resumed.

Mr. Todd offered the following substitute for the resolution of Mr. Woods.

Resolved by the House, the Senate concurring, That the joint committee on Senatorial and Representative apportionment be increased to fifteen on the part of this House.

Mr. Woods accepted the substitute of Mr. Todd.

The question recurring on the adoption of the resolution, the resolution was adopted.

Mr. Ayres offered the following resolution:

Resolved by the House of Representatives of the State of Texas, That Hon. W. M. Brown, Comptroller of Public Accounts, be, and he is hereby requested to make to this body, at as early a day as practicable, a report showing all the moneys which have been appropriated or otherwise taken from the university fund, and showing specially the objects to which the moneys so taken from said fund have been applied.

The resolution was adopted.

Mr. McCord introduced a bill to be entitled, "An act to amend article 425a of the Revised Statutes, or to reduce the passenger tariff of railroads to three cents per mile." Read first time and referred to Committee on Internal Improvements.

Mr. Traylor introduced a bill to be entitled, "An act to prescribe railway passenger traffic in this State." Read first time and referred to Committee on Internal Improvement.

Mr. Faulk introduced a bill to be entitled, "An act to amend section 5 of 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investments of the proceeds of such sale,' passed at the special session of the Sixteenth Legislature, August 4, 1879." Read first time and referred to Committee on Public Lands and Land Office.

Mr. Roach offered the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring: That the Congressional Apportionment Committee heretofore appointed, and consisting of seven members from each house, shall be increased to the number of eighteen from this House, and a

like number from the Senate, and that the additional members be so selected that when the House committee is full, it shall be composed of three members from each congressional district as now established.

Mr. Todd offered the following amendment: Amended so as to read "And a ——— number from the Senate." The question on being the adoption of the amendment, Mr. Todd moved that the House adjourn until 10 o'clock to-morrow morning.

The motion was lost.

The question recurring on the adoption of the amendment of Mr. Todd, Mr. Baker offered the following substitute:

Resolved by the House of Representatives, the Senate concurring: That the joint committee on congressional apportionment be increased to eighteen members from the House and eleven members from the Senate.

The question being in the adoption of the substitute of Mr. Baker, the substitute was adopted.

Mr. McComb offered the following substitute to the substitute of Mr. Baker.

Resolved by the House of Representatives, the Senate concurring: That the joint resolution adopted by the regular session of the Seventeenth Legislature, providing for a joint committee of the House and Senate on congressional apportionment be, and the same is hereby rescinded; and that each house appoint such committee, or committees, on apportionment as they respectively may see proper.

On motion of Mr. Gaither, the pending business was suspended to introduce a bill.

Mr. Gaither, by leave, introduced a bill to be entitled An "act making an appropriation to defray the contingent expense of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor."

Read first time and referred to Committee on Finance.

The question recurring on the adoption of the substitute of Mr. McComb to the substitute of Mr. Baker, the substitute of Mr. McComb was adopted by the following vote:

YEAS—55.

Ayers,	Gibson,	Peacock,
Barry,	Grant,	Philpott,
Benavides,	Gray,	Ragsdale,
Bennick,	Johnston,	Richardz,
Beck,	Kendall,	Riggs,
Brown,	Kerr,	Roach,
Bruce,	Key,	Rodrigues,
Caven,	Kindred,	Scott,
Carleton,	Labatt,	Smith of Hunt,
Cauthron,	Mack,	Stribling,
Chenault,	Matthews,	Tankersley,
Davidson,	McComb,	Templeton,
Evans,	McCord,	Thompson,
Faulk,	Merritt,	Tompkins,
Finlay,	Moursund,	Todd,
Fly,	Oliver,	Upton,
Foster,	Paddock,	Willis,
Frymier,	Parker,	Wooldridge,
Geiger,	Patteson,	

NAYS—18,

Arnold,	Granbury,	Stewart of Hopkins
Baker,	Haynes,	Stringfellow,
Burks,	Mallock,	Story,
Daniel,	Nash,	Tarleton,
Douglass,	Oxsheer,	Traylor,
Gaither,	Perrenot,	Woods,

ABSENT, NOT VOTING—1.

Lewis.

Messrs. Chenoweth, Denman, Hill, Hutcheson and Wurzbach were excused by the House from voting on account of being members of the Committee on Congressional Apportionment.

The question then recurring upon the adoption of the substitute as amended, the substitute was adopted.

On motion of Mr. Stewart of Hopkins, Mr. Smith of

Titus was excused until next Saturday morning on account of important business.

On motion of Mr. Todd, the House adjourned until 10 o'clock to-morrow morning.

SECOND DAY.

HALL OF HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 7, 1882. }

House met pursuant to adjournment; Hon. Geo. R. Reeves, Speaker, in the chair. Roll called; quorum present.

Absent, Messrs. Anderson, Blacker, Gould and Stewart of Kinney.

Prayer by the Chaplain.

On motion of Mr. Finlay, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Mr. Woods, Messrs. Blacker, and Stewart of Kinney were excused until Monday, and Mr. Gould excused indefinitely.

A message was received from his Excellency, the Governor, which was placed upon the Speaker's table.

The following communication was received from Hon. T. H. Bowman, Secretary of State:

DEPARTMENT OF STATE, }
AUSTIN, April 7, 1881. }

Col. Will Lambert, Chief Clerk House of Representatives:

DEAR SIR.—In compliance with the resolution of the House, I have the honor to furnish you ninety-four copies of Revised Statutes, twenty-five copies of Laws of 1879, ninety-four copies of the laws of 1881, ——— copies of rules of House; journals were all burned. Upon delivering to the members, please call attention to the scarcity of these books, and the consequent necessity for their return when the Legislature adjourns. Yours very respectfully,

T. H. BOWMAN,
Secretary of State.

Mr. Wurzbach offered the following resolution:

Resolved, That the Secretary of State be requested to furnish an official copy of the election returns for Governor, held November 2, 1880, for the use of the House committee.

The resolution was adopted.

Mr. Barry offered the following resolution:

WHEREAS, it is reported that certificates for lands have been issued in excess of the public domain of the State now open to location, and that legislation upon that subject will be necessary; therefore,

Resolved, That the Commissioner of the General Land Office be and he is hereby requested to furnish the House with estimates of the quantity of valid outstanding and unlocated land certificates, the unlocated and unreserved public domain; and also the amount of land now reserved from location by the different laws of the State making reservations thereof, and the amount reserved by each law.

The resolution was adopted.

Mr. Johnston offered the following resolution:

WHEREAS, A scandalous publication has been made in the San Antonio Daily Express, of date April 6, 1882, charging grave irregularities in the conduct of the Blind Asylum, an institution of the State, which demands investigation at the hands of this Legislature;

Resolved, That a committee of three from the House, to act in conjunction with a like committee from the Senate, be appointed, whose duty it shall be to examine into and investigate the charges made, and make such report as they may deem proper in the premises.

The resolution was adopted.

The Speaker announced the appointment of Messrs. Johnston, Baker and Frymier as the committee in accordance with the foregoing resolution.

Mr. Faulk offered the following resolution:

Resolved, That each member of this House be allowed to select twenty daily newspapers of his own choice, which shall contain full and complete report of the proceedings of this House; they do not cost more than three and a half cents each.

Mr. Woods offered the following substitution of Mr. Faulk: